

Minutes for the February 2, 2015 meeting

Committee members in attendance

Kimberly Brandt
Debbie Cameron
Terry Cummings
Brian Hammock
Diane Ingram
Ashley Pennington
Joan Plisko
Alan Pressman
Daryl Sabourin
Eric Schwab
Noah Smock
Bonnie Sorak

Ex-officio members / others in attendance

Alan Robinson, Chief, Office of Strategy and Performance Management, DPW
Kimberly Grove, Chief, Office of Compliance and Laboratories, DPW
Mark Cameron, Office of Compliance and Laboratories, DPW
Marcia Collins, Legislative Liaison, DPW
Dana Cooper, General Counsel, DPW
Kristyn Oldendorf, Office of Legislative Affairs, DPW
Denise Caldwell, Department of Recreation and Parks
Michael Wilmore, Department of Transportation

Other Attendees

Lynn Heller, Abell Foundation
Jodie Rose, Interfaith Partners for the Chesapeake
Michael Middleton, Cherry Hill Development Corporation
Stacey Schiding, Kleinfelder

Meeting Minutes

The meeting started at 6:05pm with introductory remarks by Alan Robinson. He also reminded SWAC members that non-SWAC members have expressed interest in the group and that they need to work through their SWAC representatives if they have questions or concerns they'd like raised. Members asked the following:

- Was there a press release about the SWAC and the SWAC members? *Yes, and it's posted on www.cleanwaterbaltimore.org*
- Can SWAC members be given a heads-up if you are putting someone outside of SWAC in touch with a SWAC member. *Yes, we will let you know if we are directing someone to get in touch with you.*

MS4 Restoration and TMDL WIP Update

Mark Cameron provided an update on the MS4 WIP public comment period, which ended January 30. Over 50 pages of comments were submitted by 16 organizations or companies and 5 citizens. Comments included both broad statements and specific recommendations ranging from typos, inconsistencies of numbers in different sections, and content based.



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DPW staff is reviewing all of the comments (most of which were received January 30) and will determine how and when we make the comments available. DPW will inform the SWAC once they have had a chance to review the comments and briefed the Director as to how to best revise the WIP. Again, DPW will contact SWAC when they have a clearer idea of how to proceed.

Mr. Cameron also reminded SWAC members that if they would like to have an MS4 presentation to their stakeholder group they should coordinate with him. SWAC members had several questions:

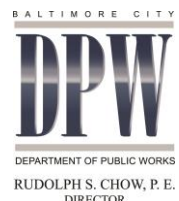
- When will that process be done? *When can we receive a final version of the WIP? No timeline right now since we've only just begun to review the comments. Some of them are in-depth and technical so it may take some time.*
- What is happening while you wait for the WIP to be finalized? *The Department is still moving forward, continuing work.*

Legislative Update

Marcia Collins provided a legislative update regarding two State bills that were introduced to repeal the stormwater remediation fee (that were shared with SWAC members and available at the meeting). Ms. Collins began with an overview of the current climate in Annapolis. One of the criticisms of the fees is by the Senate President, who does not like that the fee in each jurisdiction is different (Baltimore City feels that flexibility is best for the city). The Stormwater Utility Fund was established by voters; the City has a commitment to the fee and the fund, and Baltimore does not have the opportunity to supplement the stormwater fee with other funds. One of the compromises being discussed is the opportunity for jurisdictions to set aside funds for stormwater remediation, rather than having a separate stormwater remediation fee ie Carroll County.

SWAC members had several questions:

- Don't local jurisdictions need the legislative authority to be able to impose a fee? Is that being repealed? *Yes, they need authority to impose fees but the legislation that has been introduced is repealing the law to have a fee; jurisdictions would still have authority to enact a fee. No talk right now about repealing the authority to enact a fee.*
- If the repeal happened, how would the Baltimore City fee change? Would credits, etc. change? *Baltimore City now has this in its law and has an established utility. We wouldn't change our local law. Both the Speaker and the Senate President have indicated that they realize a repeal would not necessarily be successful. They realize the requirements of the MS4 permits. But they are looking to help jurisdictions find ways to fund this. From our perspective, jurisdictions that don't have a fee put more pressure on those that do. Some counties might lower their fees or supplement them from other sources.*
- What are the commitments in the Carroll County model? *There is a commitment to dedicate an appropriate amount to fund the stormwater improvements. It's hard to know how much is enough, because sometimes you don't have an accurate idea of how you're doing until toward the end of the MS4 permit.*
- Are there outcome based measures? This would help show if approaches are on track and would help the city defend its program. *Yes. This is a new program, it's just getting momentum. We have five years to perform. The first year was mostly organizational, getting on track now.*
- Baltimore County Executive said he was lowering fees because costs are coming down, is this true? *Baltimore County can do larger projects than the City; they have more land. Hopefully they are correct about being able to charge less but they might have problems in the future.*



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- Where are the Mayor and City Council on the possibility of a repeal? *When this legislation went through the City Council, the Council was overall supportive. There were over 20 hours of hearings, no one called it a 'rain tax' and it passed through the Council. There were many concerns along the way but were worked out. The Council President made it clear that everyone had to do their part and everyone would pay something into the fund. I don't think anyone is interested in revisiting that lengthy process.*

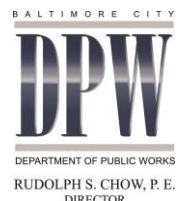
Ms. Collins also gave an overview of two other issues that may become bills: plastic bag fee and bottle deposit. There have been various attempts at a plastic bag fee or ban at both the City and State level. The City had a meeting about a possible bottle deposit bill. In the past, bottle bills put the burden on the local jurisdictions to run the deposit centers. We don't have the capacity or expertise to do this. We also have concerns about the lost profit to our curbside recycling program, how it would affect our efforts to meet the State-mandated 35% recycling rate, and how it would affect our efforts to meet our Trash TMDL requirements.

DPW will provide SWAC members email updates on any legislation of interest that comes up.

Baltimore Harbor Trash TMDL

Kimberly Grove introduced the Baltimore Harbor Trash TMDL that was approved on January 5, 2015. The Trash is different from other TMDLs since the method for measuring is different and all the materials are man-made (trash) not nutrients like other TMDLs. This is only the 3rd Trash TMDL issued in the U.S. so it's less than perfect. Baltimore City has one year to submit a WIP. Appendix D of the TMDL was the most helpful (considerations for developing implementation plans). Montgomery County, DC, and Los Angeles have lessons learned that we're looking at. Questions from SWAC members:

- Is the baseline 2015? *No, measurements for baseline were taken in 2011. So anything we've done since then is above baseline, including expanded street sweeping and the mechanical alley sweeping pilot program.*
- Are there opportunities for the private sector to participate? Opportunities for credits? *Participation credit is a good option (community clean-ups, etc), we'll have to look at other possibilities.*
- Is this for the City and the County? *Yes, the TMDL is for the water body. Both the County and the City have responsibilities. But the Baltimore Harbor section is just Baltimore City.*
- Unsolicited SunPlus is a litter problem. If the bag and bottle bills are passed, would it help met the requirements? *We'd need to make sure the data is captured, need to gets the weights recycled, etc.*
- What protocols are in place for working with Baltimore Co? *Monitoring is a key issue, both what to monitor and how it is being done.*
- What are lessons learned from other locations? *Los Angeles utilized primarily structural practices; the Anacostia utilized monitoring and education.*
- Are there practices that would benefit trash removal as well as sediment and nutrient removal? *Street sweeping as well as proactive inlet cleaning.*
- Bottle bill doesn't help with existing trash; can there be an incentive for reverse vending machines for recycling? *This can be looked at.*



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SWAC Member Agenda Items

For the final items, Alan Robinson asked the SWAC members if they have any suggestions for agenda items at the next meeting. Suggestions included:

- It would be helpful to have the MS4 WIP comments summarized and to receive answers to the questions that SWAC members raised about the WIP. What is the timeline for comments to the WIP?
- Would like to talk about how to have better outreach, get back to stakeholder groups. This could be helpful for finding grants, help DPW.
- Would like more information on grants that might be available from the stormwater fee.
- Would like report on finances of the program, what's being generated, spent, future expectations, bonds, etc.
- Would like to review business plan.
- Maybe there should be a finance committee to review these items; what will SWAC do between now and next meeting?

After a discussion of the various ideas, it was agreed that at the next meeting there would be a discussion on outreach, about possible grant programs, and finances and business plan for the fee.

Conclusion

Alan Robinson concluded by reminding the SWAC members that they should feel free to:

- Communicate with one another via email
- Set up sub-committees they feel would be of benefit before May meeting. Committees that members expressed interest in were Outreach, Finances, Legislative, and Communications.

Someone from the audience asked "Why was no public comment allowed? It was explained that the public should work through their SWAC representative so that comments can be discussed officially at the table at the meetings.

The meeting ended at 7:30pm.

Next meeting is May 4, 2015. Location to be determined.

